

# **EXHIBIT 27**

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PIERCE ROBERTSON et al, )  
on behalf of himself and )  
others similarly )  
situated, )

Plaintiff, )

VS. )

CASE NO.:

) 22-cv-22538-ALTMAN/Reid

MARK CUBAN and DALLAS )  
BASKETBALL LIMITED, d/b/a )  
Dallas Mavericks, et al, )

Defendants. )

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

ORAL AND VIDEOTAPED DEPOSITION OF  
MARK CUBAN  
FEBRUARY 2, 2023  
(REPORTED REMOTELY)

ORAL AND VIDEOTAPED DEPOSITION OF MARK CUBAN,  
produced as a witness at the instance of the Plaintiff and  
duly sworn, was taken in the above-styled and numbered  
cause on Thursday, February 2, 2023, from 9:06 a.m. to  
4:23 p.m., before Kari Behan, CSR, RPR, CRR, a Texas  
certified machine shorthand reporter, at the offices of  
Winston & Strawn LLP, 2121 N. Pearl Street, Suite 900,  
Dallas, Texas, pursuant to the Federal Rules of Civil  
Procedure 30.  
Job No. 5681877

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

Page 24

1 A. It was in Bitcoin. I wasn't sure what it was in.

2 Q. Right.

3 A. I presumed it was going to be in Voyager. I was  
4 -- I was incorrect. But it turned out it was in Bitcoin.

5 Q. Okay. Did you do any investigation before the  
6 press conference as to whether the tokens themselves were  
7 unregistered securities?

8 A. Yeah, and I -- just the tokens or tokens, in  
9 general?

10 Q. Voyager tokens, the ones that you're going to  
11 promote.

12 A. I had -- I -- first of all, I never promoted -- I  
13 don't promote anything like that, and I don't promote  
14 tokens. I've been very clear over and over and over and  
15 over and over and over again when discussing tokens that I  
16 don't think that -- I think they're very speculative, and  
17 I said multiple times that there are a variety of ways in  
18 which they are securities, and I think they deserve  
19 regulations. So I made sure not to discuss tokens or  
20 anything that I thought could be an unregistered security.

21 Q. You made sure not to say that at the press  
22 conference in October?

23 MR. MELSHEIMER: Objection.

24 BY MR. MOSKOWITZ:

25 Q. You said: I made sure not to say it. And I'm

## CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

Page 25

1 just trying to understand.

2 A. I -- I did not discuss any -- the only -- I made  
3 a reference to MATIC in my personal experience there, and  
4 I made a reference to Voyager, and that was -- and we  
5 mentioned Bitcoin, and I think I made a reference to  
6 Dogecoin and Shiba Inu. But they were just references and  
7 examples.

8 Q. Okay. You make a reference to the amount of  
9 interest that's going to be paid back. You say something  
10 like: Hey, it's 7 percent.

11 And then, when you're with Steve in the  
12 press conference, he corrects you, and he says: It's --  
13 on some of it, USD, it's 9 percent, right?

14 A. No, he said USDC, but yes.

15 Q. USDC?

16 A. Right.

17 Q. Okay. How did you think that they were going to  
18 give these guaranteed 7 or 8 or 9 percent interest?  
19 Because what I'm hearing today a lot of people say: Hey,  
20 how did you really think they were going to pay that  
21 percentage? Is -- you know, like, Madoff, how did you --  
22 how can you get a guaranteed 7 percent?

23 What would be your response to that?

24 MR. BEST: Objection, form.

25 THE WITNESS: Through the securities

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

Page 155

1       endorsers. Sometimes, as the owner of the Mavs, you're  
2       signing partnership agreements for the Mavs, correct?

3           A. Incorrect.

4           Q. Okay. You don't sometimes do one versus the  
5       other? Sometimes you're the celebrity endorser, like you  
6       talked about this morning with this platform.

7           A. Sure.

8           Q. Sometimes you're doing deals as the governor of  
9       the Mavericks and you're a sponsor?

10          A. Correct. But you said I signed the deals. I  
11       don't sign the deals.

12          Q. You don't sign any deals for the Mavericks?

13          A. Correct.

14          Q. Okay. You may not even sign the deals when  
15       you're doing the celebrity endorser; your lawyer may sign  
16       them, right?

17          A. No. I typically sign them.

18          Q. You do sign them?

19          A. Yes.

20          Q. Okay. So I'm asking you, you don't know your  
21       understanding in the crypto space today -- do you,  
22       Mark Cuban, have an understanding or a conclusion, if I'm  
23       a celebrity, like the brand ambassadors for FTX -- I mean,  
24       you have to, you know, be -- be aware of this. If you're  
25       a celebrity endorser for FTX, do you have an opinion --

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

Page 156

1 and I'm getting paid -- say, Kevin O'Leary, \$10 million of  
2 free stock to promote it, do you think that you have an  
3 obligation to disclose that to the public?

4 MR. BEST: Objection, form.

5 MR. MELSHEIMER: Objection, form.

6 THE WITNESS: I don't know what  
7 Mr. Wonderful's deal was, or any of them are. I just know  
8 I can tell you this: I would not promote a token. I've  
9 been asked to promote tokens. I've been offered to  
10 promote tokens. I will not promote tokens.

11 BY MR. MOSKOWITZ:

12 Q. Okay. Forgetting the tokens, would you promote  
13 Voyager as a platform?

14 MR. BEST: Objection, form.

15 BY MR. MOSKOWITZ:

16 Q. I mean, you did that?

17 MR. BEST: Objection, form.

18 THE WITNESS: Yeah, I mean, if they came to  
19 me and -- in September or October of 2021, I would have  
20 had the discussion. I would -- but I would have been  
21 clear, I would not do anything to promote their VGX token,  
22 but I would have had the discussion to potentially work as  
23 a brand ambassador, depending on the terms, for Voyager at  
24 the time.

25 BY MR. MOSKOWITZ: